



**U.S. Department of Justice**

*United States Attorney  
Eastern District of New York*

VTN  
F. #2017R01361

*271 Cadman Plaza East  
Brooklyn, New York 11201*

January 14, 2021

By ECF

The Honorable Raymond J. Dearie  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: United States v. Lamont Brown, et al.  
Criminal Docket 19-139 (RJD)

Dear Judge Dearie:

The government respectfully submits this letter in advance of the sentencing of the defendant Lamont Brown, which is scheduled for January 22, 2021, at 11:00 a.m. For the reasons stated herein, the government respectfully requests that the Court impose a sentence within the United States Sentencing Guidelines (“Guidelines”) range of 21 to 27 months’ imprisonment.

I. Factual Background

On October 10, 2019, the defendant pled guilty to conspiracy to commit wire fraud in connection with a scheme to defraud Amtrak and buyers of Amtrak eVouchers<sup>1</sup> to obtain money. (Presentence Investigation Report (“PSR”) ¶ 1).

Other members of the conspiracy purchased Amtrak reservations using stolen credit card account information of approximately 300 individuals and cancelled or

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<sup>1</sup> An eVoucher is a transferable electronic certificate of credit offered by Amtrak when a customer cancels an existing reservation or downgrades a reservation. An eVoucher is valid for one year from the date of issuance. A single eVoucher can be broken down into multiple eVouchers of lesser value and used to make multiple reservations for future travel. Multiple eVouchers can also be aggregated and used to pay for a single reservation. To redeem an eVoucher, a person must provide a reference phone number or email address that was used to make the original reservation. (PSR ¶5).

exchanged those reservations for eVouchers. (PSR ¶ 5). The defendant and others then sold those eVouchers on eBay.com, craigslist.com, and other websites. (*Id.*) This defendant received information from his co-defendant, Andre Wilburn, about when eVouchers were available and how much to sell them for. (PSR ¶¶ 12-13).

In or about and between June 2017 and June 2018, the defendant sold approximately 213 eVouchers worth more than \$60,000 of credit with Amtrak on eBay. (Criminal Complaint ¶ 6(a)). Andre Wilburn sold approximately 42 eVouchers worth more than \$30,000 of credit with Amtrak on eBay in or about and between April 2016 to May 2016. (*Id.* ¶ 6(d)). The defendant evenly shared the proceeds of his sales with Wilburn (PSR ¶ 13).

## II. Guidelines Calculation

The government agrees with the Guidelines calculation set forth in the PSR finding an adjusted offense level of 16 and a criminal history category of I. (PSR ¶¶ 33, 36). This calculation yields a sentencing Guidelines range of 21 to 27 months' imprisonment. (PSR ¶ 63). The Guidelines calculation in the PSR is consistent with the plea agreement between the parties.

## III. Analysis

The government respectfully requests that the Court impose a sentence that is sufficient, but not greater than necessary, to achieve the goals of sentencing. *See* 18 U.S.C. § 3553(a). In this case, the government submits that a sentence within the Guidelines range is appropriate. Such a sentence is fitting in light of the nature of the offense and the need for general deterrence.

The seriousness of this crime is apparent. The defendant engaged in nearly \$60,000 worth of fraudulent transactions on eBay during the course of one year. Approximately 300 individuals had their credit card information stolen by members of the conspiracy. Amtrak reimbursed those individuals once Amtrak confirmed that they had been the victims of fraud. In total, Amtrak suffered a loss of nearly half a million dollars. (PSR ¶ 8). Additionally, many customers who purchased the illegally obtained eVouchers on eBay from the defendant were negatively impacted when they were unable to redeem their eVouchers. (*See* PSR ¶ 13). When eBay cancelled the defendant's account, due to the fraudulent transactions reported by eBay customers, the defendant continued to engage in the conspiracy by using his girlfriend's identifying information to make sales on eBay. (*Id.*).

The defendant's personal history does not offer an explanation for why he choose to engage in this criminal conduct. Based on the PSR and the letters of support submitted by the defendant, it appears that the defendant was financially stable and had ample support from his family and friends. (*See* PSR ¶ 44; Defendant's Sentencing Submission at 3-4). The government thus infers that the defendant was motivated by greed and submits that a sentence of incarceration would promote respect for the law and provide just punishment for the offense. (*See* 18 U.S.C. § 3553(a)(2)(A).) Such a sentence is further

warranted due to the duration of the defendant's involvement in the criminal scheme, the amount of loss to Amtrak, and the number of victims affected.

IV. Conclusion

Based on the foregoing, the government respectfully asks the Court to impose a just sentence that is sufficient, but not greater than necessary, to achieve the goals of sentencing. (See 18 U.S.C. § 3553(a).)

Respectfully submitted,

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